

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/31/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. BANK, NATIONAL ASSOCIATION, in its	:
capacity as Trustee, JOSHUA N. TERRY, and ACIS	:
CAPITAL MANAGEMENT, L.P.,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
THE CHARITABLE DONOR ADVISED FUND,	:
L.P., CLO HOLDCO LTD., and NEXPOINT	:
DIVERSIFIED REAL ESTATE TRUST,	:
	:
Defendants.	:
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1:21-cv-11059-GHW

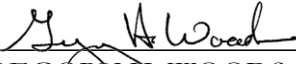
ORDER

GREGORY H. WOODS, United States District Judge:

On July 28, 2023, Plaintiff NexPoint Diversified Real Estate Trust (“NexPoint”) filed an application requesting the issuance of letters rogatory. Dkt. No. 166. The Court will not take action on this request without a sworn affidavit setting forth all of the underlying facts that NexPoint wishes for the Court to include in the proposed letters rogatory. The Court has not received those materials and cannot consider NexPoint’s submission until they are submitted. The Court requires a factual predicate for any information that NexPoint wishes to include in the letters rogatory. NexPoint may see an example of a motion and affidavit filed in support of proposed letters rogatory at Dkt. Nos. 222-224 in 1:16-cv-3591.

SO ORDERED.

Dated: July 31, 2023
New York, New York



GREGORY H. WOODS
United States District Judge